

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

STEPHEN J. MILLER,

Civil No. 08-5327 (MJD/AJB)

Plaintiff,

v.

**ORDER**

MS. ANDERSON, ET AL.,

Defendants.

This matter is before the Court on a Report and Recommendation from Magistrate Judge Arthur J. Boylan dated August 7, 2009. There being no objections filed to Magistrate Judge Boylan's Report and Recommendation, **THE COURT HEREBY ORDERS** that Defendants' Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1), lack of subject matter jurisdiction, and Rule 12(b)(6), failure to state a claim upon which relief can be granted, or in the alternative, for Summary Judgment pursuant to Rule 56 [Docket No. 18] is **granted** and that the Complaint [Docket No. 1] in this matter is **dismissed with prejudice**.

Date: September 4, 2009

s/Michael J. Davis  
The Honorable Chief Michael J. Davis  
Chief Judge  
United States District Court